



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/098,562

03/18/2002

Masatsugu Koguchi

325772028200

3154

7590
Barry E. Bretschneider
Morrison & Foerster LLP
Suite 5500
2000 Pennsylvania Avenue, N.W.
Washington, DC 20006-1888

10/09/2007

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/098,562	Applicant(s) KOGUCHI, MASATSUGU	
	Examiner Ashok B. Patel	Art Unit 2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 41.37. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation Sheet: The response dated 09/18/2007 is being entered.

Applicant's argument:

"Applicants do not see the relevance of the Examiner's reply. Claim 1 recites a "data transmission apparatus comprising ... a requester to transmit a request to a recipient to which the image data stored in the storage device is to be sent." Toyoda does not disclose or suggest such features. Regardless of the recitation in claim 1 of a first receiver and a second receiver, Toyoda still does not disclose "a requester to transmit a request to a recipient to which the image data stored in the storage device is to be sent."

Examiner's response:

Claim 1 claim recites "a requester to transmit a request to a recipient", the response of the "a request" is not reaching to the "requester", rather it is the " a first receiver" and the "a second receiver" "to receive the from the recipient" "depending upon the recipient" the response and as such, in essence, the request is not for the "a recipient" directly since the response from the recipient is anticipated to be delivered to either to " a first receiver" or to "a second receiver" "depending upon the recipient"

And therefore, as claim recites "anything is not to be received from the recipient" by the "a requester."

And based on what exactly the claim recites, Toyoda teaches these limitations as follows:

Toyoda teaches at col. 6, line 27-42, "A capability registration section 37 has a function of registering capability information of the destination terminal newly obtained

Art Unit: 2154

to the server 13A. An instruction of registration and capability information are input to the capability registration section 37 from the capability exchange section 31. The capability registration section 37 gains access to the server 13A via the network control section 28. The server 13A has a function of notifying the capability exchange section 31 of capability information about the destination terminal in response to inquiry from the capability exchange section 31. The server 13A stores capability information about the destination terminals in a capability exchange table 50. Also, the server 13A registers capability information whose registration is requested from the capability registration section 37 into a capability exchange table 50."

Please note that "capability registration section 37" is shown in Fig. 3, element 37, which is a functional block of the Fig. 2, IFAX 11A which is Fig.1, element 11A which is "requester".

Toyoda also teaches at Fig. 3, element "Capability Exchange Information", col. 5, line 42-45, "In FIG. 3, there is shown a functional block in which a specific function, which is realized by executing the program, is extracted. In IFAX 11A, an image signal of an image scanned by the scanner 24 is input to the data processing circuit 20. A capability exchange section 31 has a function of obtaining capability information of a destination terminal by use of a capability exchange operation to be described later. In the respective processing blocks provided in the data processing section 20, CPU 21 control their operation sequence in accordance with the capability of the destination terminal. For example, the compression/decompression section compresses the image signal in a compression format with which the destination terminal can deal. When

Art Unit: 2154

IFAX 11A has a color function but must send a monochromatic image since the destination terminal has no color function, the color/monochrome section of IFAX 11A can convert a color image to a monochromatic image." (to designate contents of a conversion processes to be performed to the image data;)

Thus, Toyoda teaches "a requester to transmit a request to a recipient to which the image data stored in the storage device is to be sent, wherein the recipient is requested to designate contents of a conversion processes to be performed to the image data;".

Toyoda teaches at col. 14, line 46-51, "Thus, according to this embodiment, when the domain of the destination terminal was not the domain name of the same system, inquiry about capability information to the DNS server 14A was performed without making inquiry to the server 13A. Therefore, IFAX 11A can obtain capability information with efficiency."

Thus Toyoda teaches "a second receiver to receive the recipient's designation of the contents of the conversion processes via a transmission medium different from that used by the first receiver", second receiver being the DNS server 14 A when the destination terminal was not the domain name of the same system,, and "a first receiver to receive recipient's designation of the contents of the conversion processes", first receiver being the server 13A when the destination terminal was of the domain name of the same system.